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Attorney for Plaintiff  
Hao Xu

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**Hao Xu,**

Plaintiffs,

v.

**Michael B. Mukasey**\*, United States Attorney  
General, U.S. Department of Justice,  
**Michael Chertoff**, Secretary of the Department  
of Homeland Security,  
**Emilio T. Gonzalez**, Director of United States  
Citizenship and Immigration Services,

Defendants.

) Case No. C 07-3383 PVT  
)  
)  
)

**STIPULATION TO HOLD CASE IN  
ABEYANCE AND [~~PROPOSED~~] ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorney of record, hereby stipulate, subject to approval of the Court, to hold the above titled action in abeyance, in light of the following:

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\* Alberto Gonzales resigned from his post as Attorney General on September 17, 2007. Michael B. Mukasey is currently the United States Attorney General.

**STIPULATION TO HOLD CASE IN ABEYANCE AND [PROPOSED] ORDER**  
Case No. C 07-3383 PVT

1. On October 3, 2007, the Court ordered that the cross-motions for summary judgment for this case would be resolved on the papers without a hearing.
2. On October 16 and 17, 2007, the parties filed their cross-motions for summary judgment.
3. On October 30, 2007, the parties filed their opposition motions.
4. All motions and oppositions have been submitted and the Court is currently deliberating the outcome.
5. On November 13, 2007, the State Department issued the Visa Bulletin for December 2007, stating that there were no longer any employment-based visas available in December 2007, for applicants with Plaintiff's priority date. (The Visa Bulletin is attached as Exhibit A)
6. The State Department cannot issue an employment-based visa to Plaintiff during the month of December 2007, and thus by statute, the USCIS is unable to adjudicate the application for adjustment of status which is at issue in this case.
7. Therefore, the parties hereby request this Court to hold this case in abeyance until visas become available again. Within three days of visas becoming available, the parties shall notify the Court.

Dated: November 19, 2007

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/s/  
JUSTIN FOK  
Attorney for Plaintiff

Dated: November 19, 2007

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/s/  
ILA C. DEISS  
Assistant United States Attorney  
Attorney for Defendants

1 ~~[PROPOSED]~~ ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED that the case is temporarily held  
3 in abeyance. The parties shall notify the Court within three days of visas becoming available.  
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5 Dated: November <sup>20</sup>, 2007



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7 Patricia V. Trumbull  
8 United States Magistrate Judge  
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